

Board of Selectmen Meeting  
Tuesday, September 3, 2013

A Board of Selectmen meeting was held on Tuesday, September 3, 2013 in Conference Room A in Town Hall; present were four selectpersons, the Town Administrator and the Asst. to the Town Administrator; Selectperson Sheedy was not present.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Approval of Minutes of August 6, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of August 6, 2013, seconded by Selectperson Lucas, Vote: 3-0; Chairperson Battistelli abstained. Under the discussion about the Conservation Commission, modify the statement that Selectperson Murphy made the about being respectful as a reminder, not due to any disrespectful conduct.

Approval of  
8/6/13 Minutes  
Motion Approved

Approval of Minutes of August 20, 2013: postponed; insufficient voting members present.

Approval of  
8/20/13 Minutes  
Postponed, no  
vote taken

Selectmen Updates and Liaison Reports: Selectperson Murphy stated that he was informed by Robert Liebow, Supt. of Schools, that enrollment is up by about 55 students in grades K-12; School Choice numbers look great. Selectperson Murphy stated that he is still concerned about the enrollment at the High School; he continued that Rockport needs to keep kids in Rockport and attract families.

Selectmen  
Updates and  
Liaison Report

The Mass Municipal fall breakfast is scheduled for 9/27/13 in Danvers. Chairperson Battistelli stated that she has registered to attend. Selectperson Wilkinson stated that DPW Commissioner Reed said he was trying to connect with other DPW Commissioners from other communities and it's been difficult, Selectperson Wilkinson stated the breakfast on 9/27 may be a good opportunity for him as well.

Certificate of Appreciation for Bob Visnick: Recognized for his 28 years of service, most recently retired from the Air Force reserve.

Certificate of  
Appreciation  
Robert Visnick

Public Comment Period:

Public Comment  
Period:

Toby Arsenian, 95 Granite Street, stated he would like to speak about two of the warrant articles, as well as the bandstand resident parking and scheduling of board meetings. He stated that he wrote a letter regarding possible resolutions for Town Meeting on Financing the Long Beach seawall. He stated he has questions about the HBO movie. He commented that the real estate

Public Comment  
Period  
Continued

sign for Squam Road made it on the Selectmen's agenda, but someone has plastered the signs for the HBO movie in many locations, he questioned who authorized that. He questioned if the town was getting a single penny for this movie being filmed in town. He stated that it may be good for local businesses – but does the town get anything. Chairperson Battistelli stated that the filming is taking place on private property. The Town Administrator said no approval for signs was obtained, she continued that a harbor detail and police detail have been provided for the traffic.

Frederick Tarr, 154 Main Street, had some comments on Long Beach: until something is known about the studies, it's not fair to the town or tenants to sign long term leases, 1-2 years are more in order.

Town  
Administrator's  
Report

Town Administrator's Report: M. Vieira said a major item that occurred was that a 22' torpedo was found off shore. The Coast Guard and Navy were notified; the Navy sent specialists to detonate it; it was found one mile off of Thacher and Straitsmouth by some recreational divers.

It was stated that John Tierney's office will be represented tomorrow from 10-11am in Conference Room B at Town Hall.

The Thacher Island visit for the Board of Selectmen was discussed; Chairman Battistelli cannot attend, Selectperson Murphy would have to go late AM or early PM, Selectperson Lucas can attend late AM or early afternoon as well, Selectperson Wilkinson cannot attend.

Action List:

### Action List

Nomination of  
Robert Liebow to  
Economic  
Development  
Committee, no vote  
taken

Nomination of Rob Liebow to the Economic Development Committee:  
Selectperson Wilkinson nominated Rob Liebow as a member of the Economic Development Committee, seconded by Selectperson Lucas; appointment at next meeting, no vote taken.

Nomination of Philip  
Crotty to Harbor  
Advisory Committee  
No vote taken.

Nomination of Philip Crotty to the Rockport Harbor Advisory Committee:  
Selectperson Murphy nominated Philip Crotty as a member of the Harbor Advisory Committee, seconded by Selectperson Wilkinson, no vote taken. This will be on agenda for subsequent meeting. Resides at 15 Broadway, is a full time resident now, has 4 adult children; is a retired NY state attorney, has an MBA degree, and was a partner in 10 person law firm for 35 years.

Grant Agreement for  
the Open Door  
Motion Approved

Grant Agreement for The Open Door: Selectperson Murphy moved that the Board of Selectmen approve and sign a grant agreement with The Open Door for \$3,000 to be used for operational funding for an emergency food pantry that is accessible to Rockport residents, seconded by Selectperson Wilkinson, Vote: 4-0.

Grant Agreement for Supportive Living, Inc.: Selectperson Lucas moved that the Board of Selectmen approve and sign a grant agreement with Supportive Living, Inc. for \$275,000 to be used for affordable housing at the Old Farm Inn property, namely opening a residential facility with eight accessible housing units for individuals with significant brain injury, seconded by Selectperson Wilkinson, Vote: 4-0. March, 2014 is the completion target.

Grant Agreement  
for Supportive  
Housing, Inc.  
Motion Approved

50 Long Beach Lease: Selectperson Wilkinson moved that the Board of Selectmen approve and sign a lease for 50 Long Beach with Janet and Robert Duffy to include their daughter, Deborah Duffy Hight, Selectperson Murphy seconded, Vote: 4-0.

50 Long Beach  
Lease, Motion  
Approved

79 Long Beach Lease: Selectperson Murphy moved that the Board of Selectmen approve and sign a lease for 79 Long Beach with Richard and Gladys Sullivan to reflect a transfer of ownership, seconded by Selectperson Lucas, Vote: 4-0.

79 Long Beach  
Lease, transfer of  
ownership  
Motion Approved

79 Long Beach Cottage Replacement: Selectperson Wilkinson moved that the Board of Selectmen approve the request of Richard and Bonnie Sullivan to replace their cottage at 79 Long Beach as depicted on plans entitled Sullivan Cottage A-1 and A-2 by Rockport Design dated August 7, 2013, seconded by Selectperson Murphy, Vote: 3-0. This was postponed from a prior meeting while waiting for the Building Inspector's report. Selectperson Lucas was planning on recusing herself because she works with Richard Sullivan. Selectperson Wilkinson questioned if the Building Inspector had any questions on this proposal. She questioned that in the letter to abutters, dated 8/10, it indicated that the proposed plan is to replace the first floor and add a 2<sup>nd</sup> floor, per the rules and regulations. She said the Building Inspector indicated it was being replaced with a 2.5 story dwelling. The applicants stated that Bob and Ann Fox (abutters) said they were happy that it was being taken care of. They also stated that another neighbor, John Barry, is thrilled.

79 Long Beach  
Cottage  
Replacement  
Motion Approved

Town Administrator Contract: Selectperson Lucas moved that the Board of Selectmen approve and sign a Town Administrator contract with Linda Sanders for a three year term beginning July 1, 2013 through June 30, 2016, seconded by Selectperson Wilkinson, Vote: 4-0. Chairperson Battistelli stated that there have been three contract changes – one was salary, this is a 3 year contract there is a 2% raise in year 1, a 3.5% increase in year 2, and in year 3 a 3.5% increase for a 9% increase over the term of the contract. This position was removed from merit bonus with no cost of living increase. A change of vacation day carryover of 15 days, not 20 days, was made, Town Counsel made some minor edits as well. Selectperson Murphy stated that the Town Administrator has done a great job and he's glad she's staying on.

Town  
Administrator's  
Contract  
Motion Approved

Street Performer License for Pierce Strumpf: no vote taken, applicant not in attendance.

Street Performer  
License for Pierce  
Strumpf  
No vote taken.

Bandstand Resident  
Parking  
Motion Approved

Bandstand Resident Parking: Selectperson Murphy moved that the Board of Selectmen continue to grant parking relief to the residents of 30 and 34 Beach Street by providing them with 3 parking passes each so their guests can park in resident only parking by the bandstand triangle, seconded by Selectperson Lucas Selectperson, Vote: 3-0. Selectperson Wilkinson recused herself. Selectperson Lucas inquired what has changed. It was stated that they have been issued parking violation tickets at the beginning of this year even though they had passes on the vehicle. He's been asked several times what right he has to park vehicles at the Bandstand. It was mentioned that they don't get any priority, they only can use those spaces that are vacant. Selectperson Murphy questioned if this sets a precedent. The Town Administrator stated that every once in a while (for a specific event or for the season) it's approved as long as it doesn't displace anyone. She continued that the DPW makes the exception. The last one that came before the traffic and parking committee, was the town art committee, they wanted visitor artists to park in resident parking. They indicated the Art Association would manage this and they received 6 passes for 8-10 weeks. Chairperson Battistelli said renters can get temporary passes from DPW also. The Town Administrator stated that the Chief of Police is part of the parking committee. Toby Arsenian, 95 Granite Street, stated that a neighbor was indignant about this, and they may have called the police. He continued that Selectperson Murphy is correct to speak of precedence. He stated that he's not against it, but said that passes to residents is a much larger issue. He requested that the Board of Selectmen make a public statement around why this is being approved. T. Arsenian said since there isn't sufficient parking for residents, this should be explained. The business has been there for over 80 years and those spaces were open to anyone. This created a hardship for them to run their business as the attempt was made to increase resident parking.

Community House  
Facility Manager Job  
Description  
Motion Approved

Community House Facility Manager: Selectperson Murphy moved that the Board of Selectmen approve the job description and the new position of Community House Facility Manager, Selectperson Lucas seconded, Vote: 3-1. Selectperson Wilkinson is not in favor of this position reporting to the DPW. Who the position reports to is part of the job description, currently the job description indicates it reports to the DPW.

Three Civilian  
Dispatcher Positions  
Motion Approved

Three Civilian Dispatcher positions: Selectperson Lucas moved that the Board of Selectmen approve the hiring of three Civilian Dispatchers by the Police Department contingent on Town Meeting funding approval, seconded by Selectperson Murphy seconded, Vote: 4-0. Chief McCarthy spoke about the ongoing staffing issues; he said that the hiring of civilian dispatchers will eliminate overtime currently being paid. This allows the police to be out on the street where they are needed. If those hired have experience, the savings could begin sooner, if inexperienced individuals are hired, needed training would delay savings. The Police Chief said the information that the dispatchers take is critical to the actions that the officer will take, so training is important.

Action List:  
Continued

Schedule Meetings: Selectperson Murphy moved that the Board of Selectmen schedule a meeting dedicated to Long Beach issues on Saturday, 9/21/13 at 9:15 am in Conference Room A at Town Hall, seconded by Selectperson Wilkinson, Vote: 4-0.

Schedule Meetings:

Meeting 9/21/13  
Motion Approved

Selectperson Wilkinson moved that the Board of Selectmen schedule a workshop on Tuesday, 9/24/13, subject to be determined, seconded by Selectperson Lucas, Vote: 4-0.

Workshop 9/24/13  
Motion Approved

#### 8:10 Discussion Items

Town Meeting Run Through with the Town Moderator & Town Clerk:  
Selectperson Wilkinson moved that Board of Selectmen support articles A-L and N, seconded by Selectperson Murphy, Vote: 4-0.

Discussion Items:

Town Meeting Run  
Through, Support  
Articles A-L & N,  
Motion Approved

Selectperson Wilkinson moved the Board of Selectmen support articles M and O, seconded by Selectperson Murphy, Chairperson Battistelli abstaining, Vote: 3-0.

Support Articles M  
and O  
Motion Approved

Toby Arsenian, 95 Granite Street, questioned the article on Historic Preservation on Bearskin Neck, and asked if it is designated does that trump the FEMA regulations regarding putting everything 20' in the air. He stated he will ask this question at Town Meeting so Town Counsel could be consulted prior to Town Meeting.

The Moderator stated that the resolution will be heard at the end of Town Meeting. He stated the T. Arsenian's resolution has three parts. There will be a letter available at Town Meeting from the Board of Selectmen explaining the status and stating that meetings will be ongoing. The three parts of the resolution are: 1) the town should pay for the replacement of the Long Beach seawall. 2) the town should pay for ½ cost of seawall and raise the rents to the tenants to pay for ½ of cost. 3) the town should pay for 5% of the cost and raise the tenants' rent to pay for 95% of the costs. This 3-part question is non-binding; it is not a petition article.

T. Arsenian said as a resolution nothing is binding here; he said it could be rephrased.

Chairperson Battistelli said the timing of these questions is inappropriate given that the Board of Selectmen is right in the middle of looking at this.

The Moderator said Articles A, B, H, K, and L are linked; they are old business. Articles D-F are Community Preservation-related.

The Moderator is not participating in Article M, the Town Clerk will handle that.

Article A: Selectperson Lucas, Wally Hess, the Town Accountant, the Town Administrator requested that a phone bill of \$29.26 that just arrived be being added to this Article.

Article B: Chairperson Battistelli, Finance Committee member Frank Hassler.

Article C: Chairperson Battistelli, Selectperson Sheedy & Frank Hassler, /FinComm.

Articles D, E, F, Community Preservation Articles, Mary Frances making motions, June Michaels, Selectperson Sheedy, Selectperson Murphy for first motion on article E, Selectperson Lucas, 3 motions are in E, F , funding requests are: Millbrook Meadow \$100,000; Selectperson Wilkinson, \$113,000 Legion Building; Chairperson Battistelli, \$100,000 Pingree Park Tennis Courts for Selectperson Lucas, \$55,200 Waddell Skate Board Park, Selectperson Murphy, \$25,000 Straitsmouth Island Light House, Selectperson Sheedy, \$34,999 Art Committee, Selectperson Wilkinson, \$10,000 Twin Light Fresna lens preservation, \$30,000 extending historic district Selectperson Wilkinson; \$100,000 Conservation, Selectperson Lucas, \$6,816 Gloucester Housing Authority, Selectperson Wilkinson, \$100,000 Action for rental assistance, Selectperson Murphy, \$29,550 Admin Expense, Chairperson Battistelli.

Article G: \$800,000 Pigeon Cove seawall and breakwater, Selectperson Wilkinson, W. Hess from Finance Committee, DPW Commission Chair Gardner to make motion.

Article H: Combining former borrowing \$40,000 White Wharf \$85,000 long term design, Selectperson Wilkinson, DPW Commission Chair Gardner and W. Wagner, Finance Committee.

Article I: \$56,025 more storm damage on public roadway, parks, & beaches, Selectperson Sheedy, W. Wagner/Finance Committee, DPW Commissioner Sena.

Article J: \$96,000 3 emergency dispatchers, Selectperson Murphy, L. Wessel.

Article K: \$110,000 adding school telephone systems Chairperson Battistelli, Michael Morrow.

Article L: Rights of Way Committee, flexible membership, Selectperson Lucas.

Article M: Easement to Blue Gate, Selectperson Murphy.

Article N: accepting gift from Dorothy Wrightson, Chairperson Battistelli, corrected to indicate it is Lot 20A.

Article O: Heights of bldg., Hank Betts, motion, Selectperson Sheedy.

Zenas Seppala, Granite Street, questioned if the Board of Selectmen obtained any data on the desire for tennis courts on Pigeon Cove. Chairperson Battistelli stated that, years ago, this passed town meeting. Before the funds could be spent, another town had a taxpayer lawsuit regarding the appropriateness of using funds to fix up existing recreational facilities; she said this became case law. The funds had to be set aside, until the state law changed that allowed communities to use CPA funding on repairing existing facilities instead of creating new ones – that language was added.

#### Other Business/Announcements

9:00 Selectperson Wilkinson moved to adjourn, seconded by Selectperson Murphy,  
Vote: 4-0.

#### Warrant signed:

Warrant signed for the fiscal year 2013 for payroll and expenses for the week of 9/5/13 in the amounts \$454,940.86 and \$251,181.27, respectively.

#### Items signed:

Long Beach lease, lot #50, Duffy and Hight  
Long Beach lease #79, Sullivan  
Grant Agreement, Supportive Living, Inc.  
Town Administrator Contract  
Grant Agreement, The Open Door  
Daniel DeLouise, Transient Vendor  
Innholder's License, Seafarer Inn